

F
912
.B7M8



THE

566

ALASKAN BOUNDARY

BY

JOHN BASSETT MOORE

with map

FROM

THE NORTH AMERICAN REVIEW

OCTOBER 1899

91

2015
2012

10

THE ALASKAN BOUNDARY.

BY PROFESSOR J. B. MOORE, FORMERLY ASSISTANT SECRETARY
OF STATE.

IN his annual message of December 2, 1872, President Grant, referring to the award rendered by the Emperor of Germany in the preceding October upon the long-pending dispute as to the San Juan Water Boundary, remarked that this award left us, "for the first time in the history of the United States as a nation, without a question of disputed boundary between our territory and the possessions of Great Britain on this continent." In making this statement, President Grant was not unmindful of the fact that the boundary between the British possessions and Alaska, as defined in the treaty between Great Britain and Russia of 1825, had not been surveyed and marked. No dispute, however, in regard to this line had then arisen; and, with a view to prevent the occurrence of any in the future, he immediately proceeded to make, in the same message, the following recommendation:

"Experience of the difficulties attending the determination of our admitted line of boundary, after the occupation of the territory and its settlement by those owing allegiance to the respective governments, points to the importance of establishing, by natural objects or other monuments, the actual line between the territory acquired by purchase from Russia and the adjoining possessions of Her Britannic Majesty. The region is now so sparsely occupied that no conflicting interests of individuals or of jurisdiction are likely to interfere to the delay or embarrassment of the actual location of the line. If deferred until population shall enter and occupy the territory, some trivial contest of neighbors may again array the two governments in antagonism. I therefore recommend the appointment of a commission, to act jointly with one that may be appointed on the part of Great Britain, to determine the line between our territory of Alaska and the coterminous possessions of Great Britain."

By correspondence published in the Canadian Sessional Papers, this recommendation appears to have been inspired by

representations, originating with the government of Canada, and communicated through the British Minister at Washington, as to the desirableness of definitely marking the boundary. No action upon the recommendation was taken; but an estimate then made by United States officials as to the probable cost and duration of the task of surveying and marking the line as laid down in the treaty, placed the cost at about \$1,500,000, and the time at nine years for field operations and at least an additional year for office work.

In January, 1886, the Minister of the United States in London, acting under instructions, proposed the appointment of a joint commission, which should designate and establish the boundary line, or else report such *data* as might afford a basis for its establishment by a new treaty. The Dominion Government, to whom this proposal was referred, expressed the opinion that a preliminary survey was "preferable to a formally-constituted joint commission," and suggested that such a survey "would enable the two governments to establish a satisfactory basis for the delimitation of the boundary and demonstrate whether the conditions of the convention of 1825 are applicable to the now more or less known features of the country."

Early in 1888 several informal conferences were held in Washington between Prof. W. H. Dall, of the United States Geological Survey, and Dr. George M. Dawson, of Canada, for the purpose of discussing the boundary and elucidating, so far as the information then in existence enabled them to do, the questions which might be involved in it. The result of these conferences was communicated to Congress.

A further step was taken in the convention between the United States and Great Britain of July 22, 1892, by which it was agreed that a coincident or joint survey should be made "with a view to ascertainment of the facts and *data* necessary to the permanent delimitation of the said boundary line in accordance with the spirit and intent of the existing treaties in regard to it between Great Britain and Russia and between the United States and Russia." The time for the report of the commissioners under this stipulation was extended by the supplemental convention of February 3, 1894, to December 31, 1895. Joint surveys and a joint report were made, but no recommendations as to the boundary.

By the protocol of May, 1898, it was agreed that the joint international commission to be organized thereunder should endeavor to adopt "provisions for the delimitation and establishment of the Alaska-Canadian boundary by legal and scientific experts if the commission shall so decide, or otherwise." Under this clause, it is understood that the commission has failed to reach an agreement, and the question still remains open. It is our purpose to disclose, in general outlines, in what the dispute consists.

By a ukase dated July 8, 1799, the Emperor Paul I., of Russia, having in view the benefits resulting to his empire from the hunting and trading carried on by Russian subjects "in the north-eastern seas and along the coasts of America," conceded to the Russian-American Company the right to "have the use of all hunting grounds and establishments now [then] existing on the northeastern (*sic*) coast of America, from the . . . fifty-fifth degree [of north latitude] to Bering Strait," as well as the right "to make new discoveries not only north of the fifty-fifth degree," but farther to the south, and "to occupy the new lands discovered, as Russian possessions," if they were not previously occupied by or dependent upon another nation.

Still further privileges were granted to the Russian-American Company by the famous ukase issued by the Emperor Alexander, September 7, 1821, by which the pursuit of commerce, whaling and fishing, and of all other industry, on all islands, ports and gulfs, "including the whole of the northwest coast of America, beginning from Bering Strait to the fifty-first degree of northern latitude," was exclusively granted to Russian subjects, and foreign vessels, except in case of distress, were forbidden "not only to land on the coasts and islands belonging to Russia, as stated above, but also to approach them within less than 100 Italian miles."

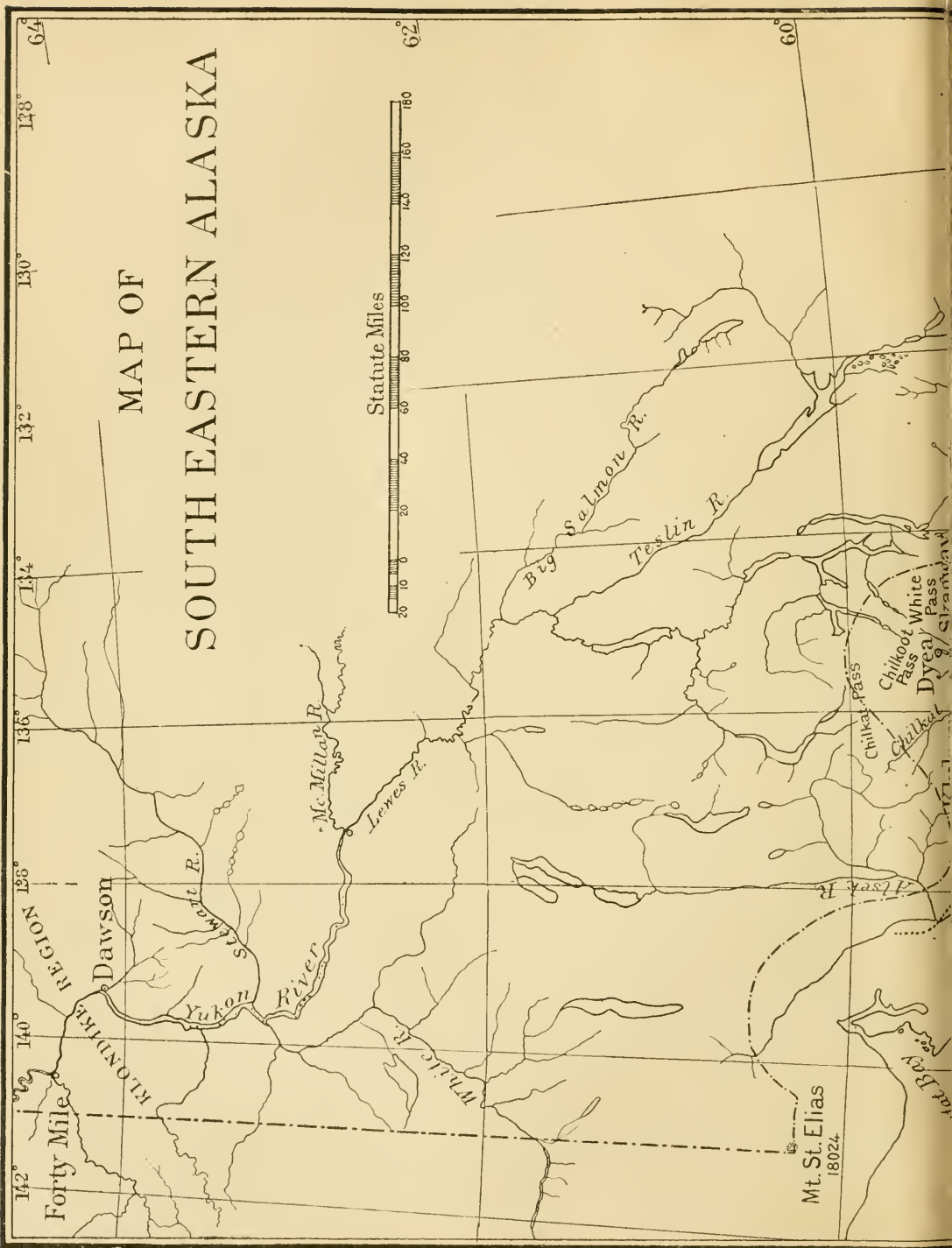
This extension by Russia of her claim of dominion on the northwest coast of America from the fifty-fifth parallel of north latitude down to the fifty-first, coupled with the new claim of exclusive marine jurisdiction of 100 Italian miles along the coast, called forth protests both from the United States and from Great Britain. Both these powers claimed territory north of the fifty-first parallel, as well as the right freely to navigate the ocean and to fish and trade with the natives on unoccupied coasts. Russia met their protests with an offer of negotiation.

This offer was accepted. In the negotiations which ensued, Russia was represented by Count Nesselrode, minister for foreign affairs, and M. Poletica. Great Britain was represented first by Sir Charles Bagot, and then by Stratford Canning; the United States, by Henry Middleton. The United States and Great Britain at one time entertained the intention of acting jointly, but, finding that their territorial claims were to some extent conflicting, they carried on their negotiations with Russia separately.

The negotiations between the United States and Russia ended in a convention, signed at St. Petersburg, April 17, 1824, which will hereafter be referred to as the convention of 1824. As to the territorial question, it was agreed that no establishment should be formed by the United States on the northwest coast *north* of fifty-four degrees, forty minutes north latitude, nor by Russia *south* of that parallel. As to navigation, fishing, and trading, the right of navigation and of fishing in the Pacific Ocean was acknowledged unqualifiedly and in perpetuity; and it was agreed that during a term of ten years the ships of both powers might frequent "the interior seas, gulfs, harbors, and creeks upon the coast" in question, for the purpose of fishing and trading with the natives. No resort, however, was to be made by citizens of the United States to any point where there was a Russian establishment, without the permission of the governor; and a reciprocal rule was to be observed by Russian subjects as to United States establishments. From the commerce permitted by the convention, firearms and liquors were excluded.

So far as dominion was concerned, the practical effect of this treaty was to leave it to Great Britain and Russia to divide the territory north of fifty-four degrees forty minutes, and to the United States and Great Britain to divide that to the south.

Great Britain and Russia settled their maritime and territorial differences by a convention signed at St. Petersburg on February 28, 1825, which will hereafter be referred to as the convention of 1825. This convention defines, in Articles III. and IV., the boundary between Alaska and the British possessions as it exists to-day. The treaty of 1867, ceding Alaska to the United States, describes the eastern limits of the cession by incorporating the definition given in the convention of 1825. This convention was signed only in French, which is therefore the official text; but there accompanies it, in the British publications, an English



MAP OF
SOUTH EASTERN ALASKA

Statute Miles



Mt. St. Elias
18024

Forty Mile

Dawson

KLONDIKE REGION

Yukon River

Stewart R.

McMillan R.

Lewis R.

White R.

Big Salmon R.

Teslin R.

Chilkat R.

Chilkoot Pass

White Pass

Dyea Pass

Chilkat

Chilkat Bay

"translation," which in the main fairly reproduces the original. These texts, so far as they relate to the boundary, are as follows:

"III. La ligne de démarcation entre les Possessions des Hautes Parties Contractantes sur la Côte du Continent et les Iles de l'Amérique Nord Ouest, sera tracée ainsi qu'il suit:—

"A partir du Point le plus méridional de l'Ile dite Prince of Wales, lequel Point se trouve sous la parallèle du 54^{me} degré 40 minutes de latitude Nord, et entre le 131^{me} et le 133^{me} degré de longitude Ouest (Méridien de Greenwich), la dite ligne remontera au Nord le long de la passe dite Portland Channel, jusqu'au Point de la terre ferme où elle atteint le 56^{me} degré de latitude Nord; de ce dernier point la ligne de démarcation suivra la crête des montagnes situées parallèlement à la Côte, jusqu'au point d'intersection du 141^{me} degré de longitude Ouest (même Méridien); et, finalement, du dit point d'intersection, la même ligne méridienne du 141^{me} degré formera, dans son prolongement jusqu'à la mer Glaciale, la limite entre les Possessions Russes et Britanniques sur le Continent de l'Amérique Nord Ouest.

"IV. Il est entendu, par rapport à la ligne de démarcation déterminée dans l'Article précédent:

"1. Que l'Ile dite Prince of Wales appartiendra toute entière à La Russie:

"2. Que partout où la crête des montagnes qui s'étendent dans une direction parallèle à la Côte depuis le 56^{me} degré de latitude Nord au point d'intersection du 141^{me} degré de longitude Ouest, se trouveroit à

"III. The line of demarcation between the Possessions of the High Contracting Parties upon the Coast of the Continent and the Islands of America to the North-West, shall be drawn in the following manner:

"Commencing from the southernmost point of the Island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes, North Latitude, and between the 131st and 133d Degree of West Longitude (Meridian of Greenwich), the said line shall ascend to the North along the Channel called Portland Channel, as far as the Point of the Continent where it strikes the 56th Degree of North Latitude; from this last mentioned Point the line of demarcation shall follow the summit of the mountains situated parallel to the coast, as far as the point of intersection of the 141st Degree of West Longitude (of the same Meridian); and, finally, from the said point of intersection, the said Meridian Line of the 141st Degree, in its prolongation as far as the Frozen Ocean, shall form the limit between the Russian and British Possessions on the Continent of America to the North West.

"IV. With reference to the line of demarcation laid down in the preceding Article, it is understood:

"1st. That the Island called Prince of Wales Island shall belong wholly to Russia.

"2d. That wherever the summit of the mountains which extend in a direction parallel to the Coast, from the 56th degree of North Latitude to the point of intersection of the 141st degree of West

la distance de plus de dix lieues marines de l'Océan, la limite entre les Possessions Britanniques et la lisière de Côte mentionnée ci-dessus comme devant appartenir à La Russie, sera formée par une ligne parallèle aux sinuosités de la Côte, et qui ne pourra jamais en être éloignée que de dix lieues marines."

Longitude, shall prove to be at the distance of more than ten marine leagues from the Ocean, the limit between the British Possessions and the line of Coast which is to belong to Russia, as above mentioned, shall be formed by a line parallel to the windings of the Coast, and which shall never exceed the distance of ten marine leagues therefrom."

It was further provided (Art. V.) that neither party should form establishments within the limits thus assigned to the other, and, specifically, that British subjects should not form any establishment, "either upon the coast, or upon the border of the continent (*soit sur la côte, soit sur la lisière de terre ferme*) comprised within the limits of the Russian possessions."

As to navigating, fishing, and trading, the convention of 1825 included substantially the same provisions as that of 1824. The right of navigation and of fishing in the Pacific Ocean was acknowledged. For the space of ten years, the ships of the two powers were to be at liberty to frequent "the inland Seas, the Gulfs, Havens, and Creeks on the Coast" in question. Permission to land at points where there were establishments was to be obtained from the governor. Trade with the natives in firearms and liquors was prohibited. Besides these stipulations, it was agreed (Art. VI.) that British subjects, whether arriving from the ocean or from the interior of the continent, should "forever enjoy the right of navigating freely . . . all the rivers and streams which, in their course towards the Pacific Ocean, may cross the line of demarcation upon the line of coast described in Article III. of the present convention;" and that, for the space of ten years, the port of Sitka, or Novo Archangelsk, should be "open to the Commerce and Vessels of British subjects."

An examination of the boundary defined in Articles III. and IV. of the convention of 1825 shows that it is scientifically divisible into two distinct sections, first, the line from the southernmost point of Prince of Wales Island, through Portland Channel and along the summit of the mountains parallel to the coast, to the point of intersection of the 141st meridian of longitude; and, second, the line from this point to the Arctic Ocean. With the latter section, which is merely a meridian line, and as to which

the United States and Canadian surveys exhibit no considerable difference, we are not now concerned. The section as to which material differences have arisen is the first.

The principal differences in this quarter are two in number, first, as to what channel is meant by Portland Channel (sometimes called Portland Canal); and, second, as to what is the extent of the line or strip of coast (*la lisière de côte*) which was assigned to Russia. The latter difference, since it is the more complicated, we will consider first.

As has been seen, the easterly limit of the *lisière*, from the point where the line strikes the fifty-sixth degree of north latitude, was to follow "the summit of the mountains situated parallel to the coast," except that, where this summit should prove to be more than ten marine leagues, or thirty miles, from the ocean, the limit was to be formed "by a line parallel to the windings of the coast, and which shall never exceed the distance of ten marine leagues therefrom." On the part of Canada two theories as to this line have been advanced, (1.) that it should follow, not the actual windings (*sinuosités*) but the general trend, of the coast, so as to intersect or cross the headlands of some of the bays and inlets, especially in the Lynn Canal, and give Great Britain one or more ports on tide water; and (2.) that the coast whose windings are to be followed is not the shore of the mainland, but that of the adjacent islands, bordering on the ocean.* The United States, on the other hand, has maintained that the coast whose windings were to be followed was the coast of the mainland, the design of the convention being to give to Russia the control of the whole of the shore of the mainland, and of the islands, bays, gulfs, and inlets, adjacent thereto. In other words, Russia was to have exclusive dominion of tide water and of a continuous strip of territory bordering upon it, while Great Britain was to have the interior country, with a right of free navigation of streams crossing the Russian territory on their way to the sea.

That this was the design of the convention may be shown, first, by the record of its negotiation.

The principal object on the part of Great Britain was to obtain the withdrawal by Russia of the claim made in the ukase of

* On the sketch map accompanying this article, the Canadian claim is given as shown on the "Map of the Province of British Columbia, compiled by direction of Hon. G. B. Martin, Chief Commissioner of Lands and Works, Victoria, B. C., 1895." This claim would give Dyea, Skaguay, Pyramid Harbor, and various other points, and a long stretch of tidewater, to Canada.

1821 to exclusive jurisdiction over the Pacific Ocean, a claim which involved the right to navigate a vast extent of ocean and, incidentally, the right of passage from the Pacific to the Arctic Ocean through Bering Straits. "It is *not* on our part," declared George Canning, British Secretary of State for Foreign Affairs, "essentially a negotiation of limits. It is a demand of the repeal of an offensive and unjustifiable arrogation of exclusive jurisdiction over an ocean of unmeasured extent." With a view to facilitate the withdrawal of this pretension, Great Britain proposed a settlement of limits.* The actual geographical features of the territory were, to a great extent, unknown. Vancouver had navigated and charted the coast, but the interior was unexplored. Back from the shore high mountains were visible, and, after the manner of the early geographers, he drew artistic ranges which follow the windings of the coast, making a continuous barrier between the coast of the mainland and the interior country. It was well known, however, to the negotiators of the convention of 1825, that the mountain ranges might be broken, or that, instead of following closely the windings of the coast, they might extend far inland. Instead, therefore, of attending to geographical details, they adopted general rules, which should be applied whenever the line came to be actually marked.

In settling the limits along the coast, the two governments were largely guided by the interests and the representations of certain commercial companies—on the part of Russia, the Russian-American Company, and, on the part of Great Britain, the Northwest and Hudson's Bay companies—which hunted and traded with natives for furs. The fur trade was then the principal object of value in the estimation of the worth of the regions in question. The British companies, however, had no establishment on the coast now under consideration. Their operations in that quarter were conducted in the interior, and their furs were sent to England through their own territories, and not across the coast involved in the negotiation.

The first definite proposition as to limits was made by Great Britain to Russia in the autumn of 1823. Sir Charles Bagot, then British Ambassador at St. Petersburg, was instructed to propose a line drawn east and west along the fifty-seventh parallel of north latitude. He went somewhat further, and suggested that Great

*G. Canning to Stratford Canning, December 8, 1824.

Britain would "be satisfied to take Cross Sound, lying about the latitude of fifty-seven degrees thirty minutes, as the boundary between the two powers on the coast; and a meridian line drawn from the head of Lynn Canal, as it is laid down in Arrowsmith's last map, . . . as the boundary in the interior of the continent." This suggestion was not accepted, and subsequently, acting under instructions, he proposed "a line drawn through Chatham Straits to the head of Lynn Canal, thence northwest to the 140th degree of longitude west of Greenwich, and thence along that degree of longitude to the Polar Sea."

The Russian plenipotentiaries rejected this proposal and submitted a counter-project. By the ukase of 1799, the Russian dominion was assumed to extend to the southward as far as the fifty-fifth degree of north latitude. The Russian plenipotentiaries therefore offered to adhere to this limit, with a deflection at the southern extremity of Prince of Wales Island so as to avoid a division of territory, and, for the rest, proposed that the line should "follow Portland Channel up to the mountains which border the coast," thence "ascend along those mountains, parallel to the sinuosities of the coast, as far as the 139th degree of longitude (meridian of London)," and then pursue that meridian indefinitely to the north.

The reasons of the two governments for their respective proposals were fully explained by them. In the early stages of the negotiation the Russian plenipotentiaries intimated that they would require the fifty-fifth degree of latitude as their southern boundary. In his instructions to Sir C. Bagot, of January 15, 1824, Mr. George Canning, adverting to the fact that no limit was suggested by the Russian plenipotentiaries to the eastern extension of the parallel, declared that it was essential to guard against the "unfounded pretensions" of Russia in that direction, and for that purpose, whatever the degree of latitude assumed, to assign a definite meridian of longitude as a limit. The 135th meridian northward from the head of "Lynn's Harbor" might suffice. As to "*the mainland southward of that point,*" it would be expedient to assign "a limit, say of 50 or 100 miles from the coast, beyond which the Russian posts should not be extended to the eastward. We must not," he continued, "on any account admit the Russian territory to extend at any point to the Rocky Mountains. By such an admission we should establish a direct

and complete interruption between our territory to the southward of that point and that of which we are in possession to the eastward of longitude 135 degrees along the course of the Mackenzie River."

The Russian plenipotentiaries explained their object with equal clearness. In a memorandum accompanying their counter-proposal they said: "The principal motive which constrains Russia to insist upon sovereignty over the above-indicated strip of territory (*lisière*) upon the mainland (*terre ferme*) from the Portland Channel to the point of intersection of the sixtieth degree [latitude] with the 139th degree of longitude, is that, deprived of this territory, the Russian-American Company would have no means of sustaining its establishments, which would then be without any support (*point d'appui*) and could have no solidity." If Great Britain would accept the line proposed by them, the Russian plenipotentiaries declared that their government would grant to British subjects "the free navigation of all the rivers which empty into the ocean through the said *lisière*," and open the port of Novo Archangelsk to their trade and vessels.

To this counter-proposal Sir C. Bagot objected that it "would deprive His Britannic Majesty of sovereignty over all the inlets and small bays lying between latitudes fifty-six degrees and fifty-four degrees forty-five minutes, whereof several (as there is every reason to believe) communicate directly with the establishments of the Hudson's Bay Company and are consequently of essential importance to its commerce." He offered, however, to accept a line traced from the west toward the east "along the middle of the channel which separates Prince of Wales and Duke of York islands from all the islands situated to the north of the said islands until it touches the mainland." Subsequently he modified this offer by proposing that the line be drawn "from the southern extremity of the strait called 'Duke of Clarence's Sound,' through the middle of this strait to the middle of the strait which separates Prince of Wales and Duke of York islands" from the islands to the north, and thence eastwardly to the mainland, thus giving Prince of Wales Island to Russia.

These proposals the Russian plenipotentiaries declined. They declared that "the possession of Prince of Wales Island without a slice (*portion*) of territory upon the coast situated in front of that island could be of no utility whatever to Russia," since any estab-

lishment founded upon it would then "find itself, as it were, flanked by the English establishments on the mainland and completely at the mercy of the latter." They adhered to Portland Channel; but, as to the eastern boundary of the *lisière*, they offered to extend it "along the mountains which follow the sinuosities of the coast as far as Mount Elias," and then to run the line along the 140th meridian of longitude instead of the 139th. Said Count Nesselrode, in an instruction to Count Lieven, Russian Ambassador at London, April 17, 1824:

"This proposal will assure to us merely a narrow strip of territory (*lisière*) upon the coast itself, and will leave the English establishments all needful room for increase and extension. . . . We limit our demands to a mere strip of the continent, and . . . we guarantee the free navigation of the rivers and announce the opening of the port of Novo Archangelsk. Russia cannot stretch her concessions further. She will make no others. . . . It cannot be reiterated with sufficient positiveness that, according to the most recent charts, England possesses no establishment either up to the latitude of Portland Channel or on the shore of the ocean itself; and Russia, when she insists on preserving a moderate expanse of the mainland (*terre ferme*) only insists in reality upon the means of utilizing—we might better say of not losing—the surrounding islands."

The British cabinet, with the concurrence of the Hudson's Bay Company, decided to accept the Russian proposal, with a limitation of the distance from the coast at which the line along the mountains should run, and the selection of a meridian of longitude north of Mount St. Elias farther to the west than the 140th. In this way Russia would secure her strip of territory on the mainland and Great Britain prevent the intersection of her interior possessions and communications. Great Britain accordingly proposed that the line should ascend northerly along Portland Channel "till it strikes the coast of the continent lying in the fifty-sixth degree of north latitude," and that it should thence be carried "along the coast, in a direction parallel to its windings, and at or within the seaward base of the mountains by which it is bounded," provided that it should not extend more than a certain number of marine leagues inland, whatever the distance of the mountains might be. Experience had shown, said the British Government, that mountains which were assumed as lines of boundary were sometimes incorrectly laid down, and that it was "therefore necessary that some other security should be taken that the line of demarcation to be drawn parallel with the coast, as far as Mount St.

Elias, is not carried too far inland." It might be limited to ten leagues or less.*

The Russian Government, in response to the last British proposition, proposed that the *lisière*, instead of being bounded by the summit of the mountains, except where it exceeded a certain distance from the coast, should "not be wider on the continent than ten marine leagues from the shore of the sea." In other words, Russia wanted either the crest of the mountains, or else a line ten leagues from the coast, as the boundary all the way. Great Britain objected to this as a withdrawal of the limit of the *lisière* which the Russians were themselves the first to propose, viz., "the summit of the mountains which run parallel to the coast, and which appear, according to the map, to follow all its sinuosities, and to substitute generally that which we only suggested as a connection of their first proposition."† Accordingly, Mr. Stratford Canning, who had lately been appointed a plenipotentiary to conclude the convention, proposed that the line should follow "the crest of the mountains, in a direction parallel to the coast," but that, if the crest should be found anywhere to be more than ten leagues from the sea, the boundary should there be "a line parallel to the sinuosities of the coast, so that the line of demarcation shall not be anywhere more than ten leagues from the coast."

This proposal was accepted as a compromise, and the treaty was drawn up and signed in conformity with it. Until a recent period the line, as it was then understood by both governments, remained unquestioned. It appeared on all the maps, including those published in England, as the United States now maintains it, following the sinuosities of the coast and running around the heads of the inlets, including the Lynn Canal, and giving to Russia an unbroken strip of the mainland up to Mount St. Elias.

But more significant, perhaps, than any map, is the fact that the greater part of the strip of mainland in question was for many years after 1839 leased, at an annual rental, by the Hudson's Bay

*G. Canning to Sir C. Bagot, July 12, 1824. Were there room for doubt as to what these proposals and counter-proposals meant, it might be worth while specially to note the phrase, "seaward base of the mountains," as well as the suggestion made by the British Government that no forts should be established or fortifications erected by either party "on the summit or in the passes of the mountains," in case the boundary should follow their summit and not their seaward base. (G. Canning to Sir C. Bagot, July 21, 1824.) Both these phrases obviously referred to mountains on the mainland.

†G. Canning to S. Canning, December 8, 1824.

Company. The lease embraced the coast (exclusive of islands) and the interior country belonging to Russia, situated between Cape Spencer, on Cross Sound, and latitude fifty-four degrees forty minutes or thereabout, including "the whole mainland coast and interior country belonging to Russia," eastward and southward of an imaginary line drawn from Cape Spencer to Mount Fairweather. By an agreement between the Hudson's Bay and Russian-American companies, which received the sanction of both governments, this strip of territory was exempted from molestation during the Crimean War.*

As to the southern limit of the strip in question, a line through Portland Channel, as now maintained by the United States, continued to be the uncontested boundary till about 1873, when Canadian writers began to suggest that the line should run through Behm Canal, or by some other way than Portland Channel, (1.) because, while the line is required by the treaty to "ascend to the north" from the southernmost point of Prince of Wales Island, it must first run to the east in order to enter Portland Channel, and (2.) because the head of Portland Channel does not reach the fifty-sixth degree of north latitude. These suggestions, besides disregarding the historical and geographical evidence, including that of the British Admiralty charts, presuppose a minuteness and accuracy of description which the negotiators did not essay. When the line, commencing at the southernmost point of Prince of Wales Island, was required to "ascend to the north" till it should strike the fifty-sixth degree on the continent, the general direction and objective of the boundary obviously was intended to be given. This has not been uncommon in descriptions of boundary. An actual due north line from the point in question would have cut the island. Nor is the argument from a hiatus between the head of Portland Channel and the fifty-sixth degree any stronger. The "line," after ascending "Portland Channel, as far as the point of the continent where it strikes the fifty-sixth degree of north latitude," is required from "this last-mentioned point" to follow "the summit of the mountains." If this was in-

*Sir George Simpson, Governor of Hudson's Bay Territory and a director of Hudson's Bay Company, in his account of a trip around the world (Lea & Blanchard, Philadelphia, 1847, Part 1, p. 124), referring to the lease said: "Russia, as the reader is of course aware, possesses on the mainland between latitude fifty-four degrees forty minutes and latitude sixty degrees only a strip, never exceeding thirty miles in depth; and this strip, in the absence of such an arrangement as has just been mentioned, (the aforesaid lease), renders the interior comparatively useless to England."

tended as a complete description, covering every foot or mile of the boundary, and if the "it" of the treaty was intended to refer to the channel and not to the line, then Portland Channel evidently was supposed to have performed the remarkable feat of climbing to the summit of the mountains. But, obviously, it was the "line" which was to "strike" the fifty-sixth parallel and reach the summit of the mountains.

The drawing of the line through Portland Channel, whose outlet into the sea appeared on the map in the same latitude as the southernmost point of Prince of Wales Island, was part of the plan of allowing to Russia, in return for her abandonment of abnormal jurisdictional claims and her concessions in respect of trade, a strip of territory on the mainland as a barrier between her islands and the British possessions in the interior. We have seen how the representatives of Great Britain successively proposed as the southern boundary the line of fifty-seven degrees thirty minutes, then a line through "Chatham Straits to the head of Lynn Canal," then a line drawn from west to east "through the middle of the channel which separates the islands of Prince of Wales and Duke of York from all the islands to the north" till it should touch the mainland, and then a line drawn northward through Clarence Strait and thence eastward to the mainland through the strait separating Prince of Wales and Duke of York islands from the islands to the north; and how they finally accepted the line through Portland Channel, on which Russia, for the purpose of preserving for her islands a protective barrier on the coast of the mainland, had firmly and finally insisted.

But, while we have shown how the general principles of the boundary were settled, it yet remains to adjust the line and mark it. For this purpose it is conceded that something more than the general descriptions of the treaty is requisite. To meet this defect, various plans have been suggested, and there may be room for the adjustment of common interests. The discovery of gold in the Klondike region has intensified the desire of Canada for an outlet on Lynn Canal. This desire, if considered upon grounds of mutual interest and convenience, rather than of treaty right, is worthy of attention, since the coast must profit by the development of the interior. It has been suggested that a lease be granted of a narrow strip of land in that quarter, as an outlet on the sea. The same object might, perhaps, be attained by assimilating one

or more of the portages, for instance, that by way of the Chilkoot pass, the principal Klondike route, to a stream of water and treating it as an international highway. By Article II. of the Webster-Ashburton treaty, it was stipulated that "all the water communications and all the usual portages along the line [of boundary] from Lake Superior to the Lake of the Woods, and also Grand Portage, from the shore of Lake Superior to the Pigeon River, as now actually used, shall be free and open to the use of the citizens and subjects of both countries." But, whatever the plan that may be adopted, it is obvious that, if the end can be attained without the sacrifice of clear national rights, the boundary should not be left unsettled, but should, in the interest of trade and industry, of the administration of justice, and of international amity, be finally adjusted and marked.

J. B. MOORE.

SOME SOCIAL TENDENCIES IN AMERICA.

BY THE RIGHT REVEREND H. C. POTTER, D D., BISHOP OF
NEW YORK.

THE historian of the future will find an interesting task in tracing, within what has practically been a single century, the rise and growth of two great republics, the French and our own. The former may be said to have been born in 1789, and the latter in 1783; and, though the history of the former was obscured and apparently terminated by the recurrence of periods of imperialism, yet with the year 1848 the republican form of government re-established itself, and with a brief interval, represented by the pyrotechnics of Napoleon the Third, has persisted until this hour.

Such a study would become naturally, first of all, a study of origins; and, from this point of view, its contrasts would be both interesting and dramatic. When one takes the French *Déclaration des Droits de l'Homme*, and puts it beside our own Declaration of Independence, it is, indeed, first of all, the resemblances rather than the contrasts that impress us. The charter of the French Revolution affirmed:

(1.) That all men are born and continue free and equal in rights;

(2.) That Society is an association of men to preserve the natural rights of men;

(3.) That sovereignty resides in the nation, and that all authority, whether vested in an individual or in a body of men, comes expressly from the nation;

(4.) That liberty is the power of doing what we will, so long as it does not injure another; the only limits of each man's natural rights being such as secure the same rights to others; these

THE NORTH AMERICAN REVIEW

EDITED BY GEORGE B. M. HARVEY.

October, 1899.

The Peace Conference and the Moral Aspect of War,

Captain A. T. MAHAN, U. S. N.,

United States Delegate to the Hague Conference.

In the Clutch of the Harpy Powers R. M. JOHNSTON

The Picture Gallery of the Hermitage.—I. . . CLAUDE PHILLIPS

A Transvaal View of the South African Question,

Dr. F. V. ENGELENBURG,

Editor of the "Pretoria Volksstem."

The Present Literary Situation in France . . . HENRY JAMES

The Alaskan Boundary Professor J. B. MOORE,

Formerly Assistant Secretary of State.

Some Social Tendencies in America,

The Rt. Rev. H. C. POTTER, D.D.,

Bishop of New York.

A Trained Colonial Civil Service E. G. BOURNE,

Professor of History in Yale University.

THE ANGLO-SAXON RIVALS:

Five Years of American Progress. . M. G. MULHALL, F.S.S.

The Decline of British Commerce A. MAURICE LOW

America and England in the East,

The Rt. Hon. Sir CHARLES W. DILKE, Bt., M.P.

The Restless Energy of the American People . IAN MACLAREN

The French Press and the Dreyfus Case M. de BLOWITZ,

Paris Correspondent of the London Times.

NEW YORK:

No. 11 WARREN STREET:

LONDON:

WM. HEINEMANN, 21 Bedford St., W. C.

PARIS:

BRENTANO'S, 37 Avenue de l'Opera.

United States Mortgage & Trust Co.,

59 CEDAR STREET, NEW YORK

Capital, \$2,000,000

Surplus, \$2,000,000

Transacts a General Banking Business

Allows interest on Deposits subject to check
Is Legal Depositary for Court and Trust Funds
Acts as Fiscal Agent for Cities and Corporations

Buys and Sells Foreign Exchange
Issues Commercial and Travelers' Credits available
in all parts of the world

Loans Money on Bond and Mortgage
Issues First Mortgage Trust Gold Bonds
Acts as Trustee, Registrar and Transfer Agent

Transacts a General Trust Business

OFFICERS

GEORGE W. YOUNG	President
LUTHER KOUNTZE	Vice-President
JAMES TIMPSON	2d Vice-President
ARTHUR TUNBULL	3d Vice-President
CLARK WILLIAMS	Treasurer
WILLIAM P. ELLIOTT	Secretary
RICHARD M. HURD	Asst. Secretary
CALVERT BREWER	Asst. Treasurer
ALEXANDER PHILLIPS	Man'g For'n Dept.

DIRECTORS

Samuel D. Babcock	Gustav F. Kissel
Wm. H. Baldwin, Jr.	Luther Kountze
Frederick O. Barton	Charlton T. Lewis
C. Ledyard Blair	Richard A. McCurdy
Dumont Clarke	Theodore Morford
Charles D. Dickey	Robert Olyphant
William P. Dixon	Charles M. Pratt
Robert A. Granniss	James Timpson
G. G. Haven, Jr.	Eben B. Thomas
Charles R. Henderson	George W. Young
James J. Hill	

HAVE YOU READ THIS GREAT LOVE STORY?

WHEN
KNIGHTHOOD
WAS
IN
FLOWER



EDWIN CASKODEN

95th Thousand

SOME RECENT PRESS COMMENTS.

A historical romance handled with much delicacy and skill—

New York World

One of the best novels that has appeared in the last ten years—

Chicago Evening Post

Never was there written a prettier love story of the Middle Ages—

San Francisco Call

Crown, 8vo, Illustrated, Price \$1.50, Postpaid.

PUBLISHED BY

THE BOWEN-MERRILL COMPANY

INDIANAPOLIS, IND., U. S. A.

WHEN
KNIGHTHOOD
WAS IN
FLOWER
—
CASKODEN



BOWEN
MERRILL

COLGATE & CO.'S CASHMERE BOUQUET



Of All Toilet Soaps
the Most Luxurious,
Refined and Lasting

NO ABSURD CLAIMS HAVE EVER BEEN
MADE EITHER FOR ITS INGREDIENTS OR
QUALITIES. ITS PRE-EMINENCE IN PUBLIC
FAVOR IS DUE ALONE TO ACTUAL MERIT

The name of "Colgate & Co."
on Toilet and Shaving Soaps,
Perfumes, Sachets, Toilet Waters
and Dental Powder corresponds
to the "Sterling" mark on Silver

ESTABLISHED 1806

USE

Kuyler's



COCOA

AN UNSURPASSED BREAKFAST DRINK.



**VANILLA
CHOCOLATE**

UNEQUALLED FOR EATING, DRINKING & COOKING.



**PREMIUM
CHOCOLATE**

FOR DRINKING, COOKING, CREAMS &c

Kuyler's **COCOA & CHOCOLATES.**

FOR PURITY OF MATERIAL
FOR DELICIOUSNESS OF FLAVOR **UNSURPASSED.**

GROCERS EVERYWHERE.

GOLF

B.G.I.

GOODS

ARE

Highest Grade.

Write to us or our agents
for new catalogue, just out,
containing "Elementary In-
struction to Beginners," by
J. D. Dunn, and "Rules of Golf."
Mailed Free.

THE BRIDGEPORT GUN IMPLEMENT CO.

RETAIL BRANCHES

NEW YORK: 313-315 BROADWAY 4th, 300 W. 45th ST.
BOSTON: 1714 JONHAWK SPORTING GOODS CO. 608 WASHINGTON ST.
PHILADELPHIA: 1233 CHESTNUT ST.
BROOKLYN: FRED'K LOEBER & CO.
SAN FRANCISCO: 622 & 627 MARKET ST.

LIBRARY OF CONGRESS



0 014 432 056 6

